

EXHIBIT 2

Hunters Capital, LLC v. City of Seattle

30(b)(6) Jennifer Winkler

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)	
)	
Plaintiff,)	
)	
vs.)	No. 20-cv-00983-TSZ
)	
CITY OF SEATTLE,)	
)	
Defendant.)	

VIDEOTAPED VIDEOCONFERENCE 30(b)(6) DEPOSITION
UPON ORAL EXAMINATION OF
CITY OF SEATTLE
(JENNIFER WINKLER)

Seattle, Washington

(All participants appeared via videoconference.)

DATE TAKEN: JANUARY 6, 2022

REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

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1 But for us, a record is regardless of the
2 format or characteristic, and it wouldn't matter if it
3 was a text or an email, we would provide the retention
4 and the information necessary based off of that.

5 BY MR. REILLY-BATES:

6 Q. Okay. So you haven't had any specific
7 conversations with the mayor's office specifically about
8 text messages; is that correct?

9 MR. CRAMER: Objection. Form.

10 A. Correct.

11 BY MR. REILLY-BATES:

12 Q. Okay. Are there any Citywide policies,
13 procedures, or retention schedules that specifically
14 address public records that exist on cellphones or
15 portable electronic devices, such as text messages?

16 A. We have an advice sheet that we have created.

17 Q. Okay. And does that advice sheet state the
18 City's policies as to -- with respect to cellphones or
19 text messages?

20 A. It states that the text messages are considered
21 a record and therefore will follow the same retention
22 policy that exists for other types of similar records
23 within the department.

24 Q. When was that advice sheet created, do you
25 think?

1 BY MR. REILLY-BATES:

2 Q. Okay. Are there any City policies or
3 procedures that address the use of iCloud or other
4 cloud-based storage systems to store public records?

5 A. I am not aware of any City policy regarding
6 that.

7 Q. Are you aware that public records could reside
8 on a cloud-based storage program such as iCloud or
9 Google Docs or some kind of Google backup database?

10 MR. CRAMER: Objection. Form.

11 A. I am aware that there could be some departments
12 that use iCloud for backing up cellphones. The records
13 management program does not advise or recommend using
14 cloud-based solutions such as Google Docs for any type
15 of public record storage.

16 BY MR. REILLY-BATES:

17 Q. And why is that?

18 A. We do not own Google Docs.

19 Q. Okay. Any other reasons?

20 A. I'm sorry. Could you please repeat that?

21 Q. Sure. Any other reasons?

22 A. The City records management program feels it is
23 best that City records be on City-stable platforms, such
24 as Microsoft 365 or network files and drives, in order
25 to best ensure the integrity and stability of the

1 records for long-term or storage for retention policies.

2 Q. Are there any guidelines or backup -- or any
3 guidelines or advice sheets that specifically rate --
4 relate to backups of files on Apple iPhones?

5 A. I am not aware of any.

6 Q. Do you -- do you have any awareness of -- of
7 the percentage of City employees that use Apple
8 products, cellphones, for their work-related duties?

9 MR. CRAMER: Objection. Vague.

10 A. No.

11 BY MR. REILLY-BATES:

12 Q. Do you have any -- does the City have any
13 policies or procedures that relate to the recovery of
14 data from -- or public records from employees who are
15 scheduled to leave employment with the City?

16 A. I am not aware of an overall City policy.
17 Departments may have implemented off-boarding checklists
18 to work with employees when they leave the City.

19 Q. So there's no advice sheet or policy that
20 specifically instructs City -- City employees who are
21 charged with off-boarding another City employee as to
22 what to do to preserve public records prior to them
23 leaving. Is that correct?

24 A. Our office may have an advice sheet on that. I
25 can't recall offhand.

C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Cindy M. Koch, a Certified Court Reporter in
and for the State of Washington, do hereby certify that
the foregoing transcript of the deposition of Jennifer
Winkler, having been duly sworn, on January 6, 2022, is
true and accurate to the best of my knowledge, skill and
ability.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal this 13th day of January, 2022.


CINDY M. KOCH, CCR, RPR, CRR



My commission expires:

JUNE 9, 2022



ERRATA

CASE NAME: Hunters Capital, LLC v. City of Seattle

DATE TAKEN: 1/6/2022

WITNESS: 30(b)(6) Jennifer Winkler

CORRECTIONS

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Signature of Deponent



DECLARATION

CASE NAME: Hunters Capital, LLC v. City of Seattle

DATE TAKEN: 1/6/2022

WITNESS: 30(b)(6) Jennifer Winkler

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the ERRATA flyleaf page hereof.

Jennifer Winkler

30(b)(6) Jennifer Winkler

Signed on the 31 day of January, 2022.